

FCC MAIL SECTION
SEP 9 3 40 PM '91
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Federal Communications Commission
Office of the Secretary

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3 September 1991

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Room 222
1919 M Street, NW
Washington, DC 20554

R11-7929

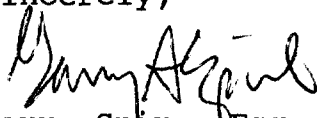
Re: Amendment of Section 73.606(b)
Table of Allotments,
TV Broadcast Stations,
(Bellingham and Anacortes, Washington)

Dear Ms. Searcy:

Transmitted herewith, on behalf of Prism
Broadcasting Corporation ("Prism"), permittee of KBCB(TV),
Channel 64 at Bellingham, Washington, is an original and
four copies of its "Comments in Support of Proposed Rule
Making" in the above-reference matter.

Should any questions arise concerning this matter,
please communicate with this office.

Sincerely,


Garry Spire, Esq.

FW/lr
Enclosures
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FCC MAIL SECTION

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Before the
Federal Communications Commission
Washington, D.C. 20554

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Federal Communications Commission
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In the Matter of

Amendment of Section 73.606(b),
Table of Allocations,
TV Broadcast Stations
(Bellingham and Anacortes,
Washington)

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MM DOCKET NO. _____
RM No. 7000

PETITION FOR RULEMAKING

Prism Broadcasting Company, Inc. ("Prism"), permittee of KBCB(TV), Channel 64, Bellingham, Washington, by counsel, hereby respectfully requests that Section 73.606(b) of the Rules be amended as follows:

<u>Community</u>	<u>Channel No.</u>	
	<u>Delete</u>	<u>Add</u>
Bellingham, WA	64	24
Anacortes, WA	24	64

Prism additionally requests the concurrent modification of its construction permit for Station KBCB(TV) to specify operation on Channel 24. In support of these requests, the following is submitted:

I. INTRODUCTION

1. This instant application is not without the scope of the Commission's "freeze" concerning the Table of Television

Allotments in certain areas.^{1/} As indicated in the Order, the freeze will not be applied in particular situations where its application would be unwarranted. Order at 2. The purpose of the freeze is "to preserve sufficient broadcast spectrum to ensure reasonable options relating to spectrum issues for...[advanced television] technologies." Id. (emphasis supplied). In imposing a freeze, the Commission was clearly concerned that in certain areas surrounding major markets, it not make new allocations of broadcast spectrum that might otherwise be utilized at some later date by advanced video technologies such as high definition television.

2. Indeed, in discussing the freeze in its Notice of Inquiry concerning advanced television systems (MM Docket 87-268), the Commission made clear that its focus is on not making new television allotments or authorizing new stations. In the Notice of Inquiry, the Commission stated that the freeze is on the "acceptance of applications for new TV assignments and petitions for new allotments pending a more complete understanding of the spectrum requirements of improved TV systems." Notice of Inquiry, 2 F.C.C. Rcd. 5125, 5143, n.29 (released August 20, 1987) (emphasis added). Prism's proposal, of course, would not require that any new allocations be made or that any new stations be authorized. Rather, Prism already has a construction permit and hence, is not a new station, but simply

^{1/} See Order, Mimeo No. 4074 (released July 17, 1987), 52 Fed. Reg. 29346 (July 29, 1987).

proposes an exchange of two existing channel allotments.^{2/} Thus, the reason for the freeze and the goal that it contemplates, namely preservation of spectrum, are not applicable herein in view of the fact that the Commission's objectives in imposing the freeze would not be affected in the least by prohibiting consideration for the exchange of these two existing allotments.

3. Prism is the permittee of KBCB(TV) on Channel 64, a station that will serve the northern region of the Seattle-Tacoma market. Channel 24 an unapplied for commercial assignment at Anacortes. Channel 63 an unapplied for commercial assignment on the Canadian Table of Assignments at Vancouver, British Columbia. Because of mileage short spacings, the Channel 64 at Bellingham and the Channel 63 at Vancouver assignments are limited by international treaty.

4. Canadian officials have indicated that they will not accept Channel 64 operating from its current site specified on its construction permit at more than 1,000 kilowatts ERP in the direction of Canada. Conversely, Channel 63 is limited by international treaty to 1,000 kilowatts ERP at 305 meters AHAAT in the direction of the United States.

^{2/} It should be noted that the proposed channel switch would result in Channel 24 being moved to a community that is further away to the nearest major market (Seattle) than is the community to which it is presently assigned. The distance from the Seattle reference point (as set forth in Section 76.53 of the Rules) to the Commission's allocation coordinates for Channel 24, Anacortes is 101.3 kilometers. The distance from the Seattle reference point to the KBCB(TV) transmitting site for Channel 64 is 124.8 kilometers, an increase of 23.5 kilometers.

5. These power limits could be eliminated and Channels 24, 63 and 64 could all operate at full power without special limits negotiated on international treaties by the proposed rulemaking. Because Anacortes is further from Vancouver than Bellingham is from Vancouver, both Channel 24 at Bellingham and Channel 64 at Anacortes may be permitted to operate at 5,000 kilowatts ERP at 2,000' AHAAT or equivalent.

6. Thus, modification of channel assignments to channels that would allow every station to operate at maximum facilities is beneficial and fully justifiable. Prism seeks substitution of Channel 24 for Channel 64 at Bellingham, the modification of the Station KBCB(TV) construction permit to specify operation on Channel 24, and substitution of Channel 64 for Channel 24 at Anacortes, Washington. As will be seen, the public interest would be served by the implementation of this proposal.

II. BACKGROUND

7. Bellingham, formerly was considered an independent television market. There are three stations allocated to Bellingham; Channel 64; Channel 12, which operates as a network affiliate; and Channel 34*, an unapplied for educational assignment. In the Seattle-Tacoma television market allocations are as follows:

<u>Community</u>	<u>Channel No.</u>
Anacortes	24
Bellevue	33, 51

Bellingham	12, 34*, 64
Centralia	15*
Everett	16
Olympia	67
Seattle	4, 5, 7, 9*, 22, 45, 62*
Tacoma	11, 13, 20, 28*
Wenatchee	18*, 27

Correspondingly, Channel 24 can be substituted for Channel 64 at Bellingham, and allow Channel 24 to operate at maximum power, and Channel 64 can be substituted for Channel 24 at Anacortes, and Anacortes will still have a station that will be able to operate at maximum power, in accordance with Commission Rules. The attached engineering study prepared by Donald S. Wilson, Director of Engineering of Ventech, Prism's consulting engineer, demonstrates the technical feasibility of these channel substitutions.

III. ADOPTION OF PRISM'S PROPOSAL WOULD SERVE THE PUBLIC INTEREST

8. As the Commission recognized, each allocation proceeding is to be decided upon the relevant facts and circumstances that are present in the individual case before the Commission. In the Matter of Amendment of Section 3.606, (Erie, Pennsylvania et al.), 17 R.R. 1518(b), 1519 (1958). In this case, as in previous decisions, the exchange of an unoccupied and unapplied for reserved UHF channel with another UHF channel is justified

because of the many public interest considerations that are present.

9. In In the Matter of Amendment of Section 73.606(b) (Jacksonville and Palatka, Florida), 3 R.R. 2d (1964), the Commission adopted a proposal that was quite similar to Prism's proposal. In that case, commercial Channel 17 was substituted for Channel 36 at Jacksonville, Florida, and the Jacksonville permittee's license was modified to reflect operation on Channel 17 rather than on Channel 36. Channel 36* was substituted for vacant Channel 17* at Palatka, Florida. Similarly, In the Matter of Amendment of Section 73.606(b) (Crossville, Tennessee), 47 R.R. 2d 1285 (Broadcast Bureau, 1980), the noncommercial educational reservation for Crossville, Tennessee, which was unoccupied and unapplied for, was changed from Channel 20* to Channel 55* and the Crossville licensee's license was modified to reflect operation on the commercial channel, Channel 20. In the Crossville case, the channel switch and license modification were deemed to be in the public interest because such a change would facilitate a more favorable economic situation for the affected commercial station by making it more competitive. See also In the Matter of Amendment of Section 73.606(b) (Seaford, Delaware), 43 R.R. 2d 1551 (Broadcast Bureau 1978); In the Matter of Amendment of Section 73.606(b) (Columbus, Mansfield and Newark, Ohio), 21 F.C.C. 2d 145 (1970).

10. In the instant case, the public interest considerations strongly support adoption of Prism's proposal. First, the

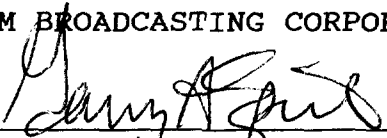
proposed amendment of the Table of Allotment would enable Station KBCB(TV), an independent station which faces difficult obstacles in any event, and which will suffer even more if the Channel 64 allocation is not modified, to achieve signal strength competitive parity with the other commercial stations in the market. Second, the proposed channel change would not affect an existing commercial operation since Channel 24 at Anacortes is not occupied and does not have any pending applications on it. Third, if and when there is such an interest in bring a station to Anacortes, Channel 64 will be available without any mileage restrictions or limits on its power as are presently required for Channel 64 at Bellingham, Washington.

WHEREFORE, the premises considered, Prism respectfully requests that Channel 24 be substituted for Channel 64 at Bellingham, that the construction permit of KBCB(TV) be modified to specify operation on Channel 24, and that Channel 64 be substituted for Channel 24 at Anacortes.

Respectfully submitted,

PRISM BROADCASTING CORPORATION

By


Garry Spire, Esq.

Its Attorney

Law Office of Garry Spire
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3 September 1991

VENTECH

Venture Technologies
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ENGINEERING STATEMENT OF DONALD S. WILSON

In Support of Petition for Amendment of Section 73.606,
Table of Assignments of Television Channels by Prism
Broadcasting Corporation, September 1991.

Proposed Reassignment:

Channel 64 from Bellingham, WA to Anacortes, WA
Channel 24 from Anacortes, WA to Bellingham, WA

This engineering study has been prepared in support of the above-referenced changes in the Table of Television Allotments. The proposed changes appear to be easily accomplished without adversely affecting any existing or potential operation, including designated channels 24 and 64.

As indicated on Tables 1, 2 and 3 of this Engineering Statement, amendment of the Table of Television Allotments as proposed by Prism Broadcasting Corporation, will eliminate existing technical limits on KBCB at Bellingham, Washington, and on an allotment on Channel 63 at Vancouver, British Columbia, Canada, caused by channel short spacings.

Table 1: KBCB Channel 64 Search herein presents a distance separation study for Channel 64 at Bellingham, when location is assumed to be at KBCB's existing transmitter site. Note that from its existing site KBCB is short spaced by 19.4 kilometers with an allotment on Channel 63 at Vancouver, British Columbia, Canada. Because of this short spacing, the Canadian government is unlikely to approve operation at greater than 1,000 kilowatts ERP without limiting ERP toward Vancouver, British Columbia, to less than 1,000 kilowatts ERP. The allotment on Channel 63 at Vancouver, British Columbia, is limited to 1,000 kilowatts at 305 meters toward the United States.

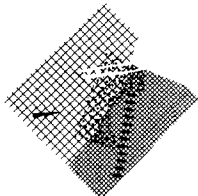
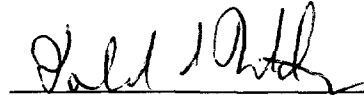


Table 2: Bellingham Channel 24 Search herein presents a distance separation study for Channel 24 at Bellingham, when location is assumed to be at KBCB's existing transmitter site. Note that from the existing KBCB site, there is no short spacing, and KBCB could potentially be approved by Canada to operate at the equivalent of 5,000 kW ERP at 610 meters HAAT.

Table 3: Anacortes Channel 64 Search herein presents a distance separation study for Channel 24 at Anacortes, when location is assumed to be the Commission's allocation coordinates for Channel 24 at Anacortes. Note that from this site, Channel 64 clears all spacing requirements with the allotment on Channel 63 at Vancouver, British Columbia, Canada, by 5.1 kilometers. Because of this, there is will be no short spacing, and Channel 64 at Anacortes will be more likely to be cleared to operate at more than 1,000 kilowatts ERP. The allotment on Channel 63 at Vancouver, British Columbia, Canada will no longer require a limit of 1,000 kilowatts at 305 meters toward the United States.

The foregoing statement with related data have been prepared by under the direction of Donald S. Wilson, Director of Engineering of Ventech, of Calabasas, California. All representations herein are certified to be true and correct, to the best of my knowledge and information.

Respectfully submitted,



Donald S. Wilson

Date: 3 September 1991

TABLE 1: KBCB CHANNEL 64 SEARCH

***** TV CHANNEL SPACING STUDY *****

Job title: BELLINGHAM CHANNEL 64 SEARCH Latitude: 48 40 48
Channel: 64 Longitude: 122 50 23
Database file name: TV910225.EDX

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
49-	ALLOTW	11447	OSOYOOS	BC	2		79.7	250.6	119.9	
69+	ALLOTW	11449	KELOWNA	BC	2		59.9	278.5	31.4	
50+	CBUPT2	11704	KAMLOOPS	BC	2	L	37.5	283.0	95.7	
49+	ALLOTW	11937	ASHCROFT	BC	2		25.7	252.8	119.9	
49-	KPDY	12099	VANCOUVER	WA	2	L	178.9	351.1	119.9	
56o	ALLOTW	12147	TACOMA	WA	2		169.2	161.8	31.4	
56o	NEW	12148	TACOMA	WA	2	A	178.9	125.9	31.4	
62o	ALLOTW	12150	SEATTLE	WA	2		162.4	124.8	31.4	
67o	ALLOTW	12155	OLYMPIA	WA	2		181.2	181.8	31.4	
64o	KBCB	12171	BELLINGHAM	WA	2	C	.0	.0	280.8	-280.8
68o	ALLOTW	12211	VANCOUVER	BC	2		353.6	75.4	31.4	
66o	ALLOTW	12473	VICTORIA	BC	2		233.1	48.7	31.4	
50o	ALLOTW	12477	NANAIMO	BC	2		304.5	96.7	95.7	
60o	ALLOTW	12481	NANAIMO	BC	2		304.5	96.7	31.4	
63o	ALLOTW	12482	VANCOUVER	BC	2		342.9	68.3	87.7	-19.4
69o	ALLOTW	12483	NANAIMO	BC	2		304.5	96.7	31.4	
49o	ALLOTW	12732	COURTENAY	BC	2		306.2	193.0	119.9	

***** End of channel 64 study *****

TABLE 2: BELLINGHAM CHANNEL 24 SEARCH

***** TV CHANNEL SPACING STUDY *****

Job title: BELLINGHAM CHANNEL 24 SEARCH
 Channel: 24
 Database file name: TV910225.EDX

Latitude: 48 40 48
 Longitude: 122 50 23

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Regd. Dist.	Result
170	ALLOTW	11439	PENTICTON	BC	2		67.7	254.7	95.7	
210	CBUFT1	11440	KELOWNA	BC	2	L	58.0	280.1	31.4	
230	ALLOTW	11441	PENTICTON	BC	2		67.7	254.7	87.7	
29-	ALLOTW	11443	PEACHLAND	BC	2		60.7	256.5	31.4	
160	CHBCTV	11453	ENDERBY	BC	2	L	50.7	342.0	31.4	
24-	ALLOTW	11454	VERNON	BC	2		54.3	313.4	280.8	
26-	ALLOTW	11455	ARMSTRONG	BC	2		51.8	328.8	31.4	
23+	KNDO	11599	YAKIMA	WA	2	L	142.9	296.2	87.7	
29+	KIMATV	11600	YAKIMA	WA	2	L	142.9	296.1	31.4	
270	KCWT	11663	WENATCHEE	WA	2	L	126.9	246.2	31.4	
22-	ALLOTW	11701	KAMLOOPS	BC	2		38.3	285.6	31.4	
17-	ALLOTW	11892	THE DALLES	OR	2		159.3	364.4	95.7	
380	ALLOTW	11927	HOPE	BC	2		52.1	129.2	95.7	
23+	ALLOTW	11936	LILLOOET	BC	2		16.0	232.2	87.7	
24+	KNMT	12093	PORTLAND	OR	2	L	178.6	351.8	280.8	
390	ALLOTW	12117	NORTON	WA	2		169.4	238.3	119.9	
16-	KONGTV	12134	EVERETT	WA	2	C	156.4	137.7	31.4	
16-	KONGTV	12135	EVERETT	WA	2	A	162.2	125.4	31.4	
200	KTBWTV	12136	TACOMA	WA	2	L	178.4	126.0	31.4	
22+	KTZZTV	12137	SEATTLE	WA	2	L	161.3	124.8	31.4	
22+	KTZZTV	12138	SEATTLE	WA	2	C	161.3	124.8	31.4	
280	KTPS	12140	TACOMA	WA	2	L	171.0	157.8	31.4	
240	ALLOTW	12163	ANACORTES	WA	2		139.5	26.1	280.8	-254.7
260	CBUFT	12187	VANCOUVER	BC	2	L	353.6	75.4	31.4	
210	ALLOTW	12432	ASTORIA	OR	2		195.4	287.0	31.4	
26+	ALLOTW	12438	ROCHESTER	WA	2		185.4	207.3	31.4	
21-	ALLOTW	12460	SALTSPRING ISLAND	BC	2		280.0	48.6	31.4	
21-	CKVUTV	12461	VICTORIA	BC	2	A	239.1	56.0	31.4	
290	ALLOTW	12462	VICTORIA	BC	2		233.1	48.7	31.4	
320	ALLOTW	12475	VANCOUVER	BC	2		342.9	68.3	31.4	
20+	ALLOTW	12724	COMOX	BC	2		306.8	187.0	31.4	
220	CBUFT8	12725	POWELL RIVER	BC	2	L	314.3	177.8	31.4	
230	CHANTV	12726	WILSON CREEK	BC	2	L	305.8	104.4	87.7	

***** End of channel 24 study *****

TABLE 3: ANACORTES CHANNEL 64 SEARCH

***** TV CHANNEL SPACING STUDY *****

Job title: ANACORTES CHANNEL 64 SEARCH Latitude: 48 30 6
Channel: 64 Longitude: 122 36 36
Database file name: TV910225.EDX

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
49-	ALLOTW	11447	OSOYOOS	BC	2		74.4	238.5	119.9	
69+	ALLOTW	11449	KELOWNA	BC	2		54.8	274.9	31.4	
50+	CBUFT2	11704	KAMLOOPS	BC	2	L	32.6	289.5	95.7	
49+	ALLOTW	11937	ASHCROFT	BC	2		20.7	264.4	119.9	
49-	KPDY	12099	VANCOUVER	WA	2	L	181.9	331.3	119.9	
56o	ALLOTW	12147	TACOMA	WA	2		174.7	139.8	31.4	
56o	NEW	12148	TACOMA	WA	2	A	187.9	107.0	31.4	
62o	ALLOTW	12150	SEATTLE	WA	2		168.3	101.3	31.4	
67o	ALLOTW	12155	OLYMPIA	WA	2		187.5	163.3	31.4	
64o	KBCB	12171	BELLINGHAM	WA	2	C	319.7	26.1	280.8	-254.7
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66o	ALLOTW	12473	VICTORIA	BC	2		260.7	56.8	31.4	
50o	ALLOTW	12477	NANAIMO	BC	2		307.9	122.1	95.7	
60o	ALLOTW	12481	NANAIMO	BC	2		307.9	122.1	31.4	
63o	ALLOTW	12482	VANCOUVER	BC	2		336.7	92.8	87.7	
69o	ALLOTW	12483	NANAIMO	BC	2		307.9	122.1	31.4	
49o	ALLOTW	12732	COURTENAY	BC	2		308.0	218.5	119.9	

***** End of channel 64 study *****